

**DISCIPLINE COMMITTEE
OF THE ONTARIO COLLEGE OF TEACHERS**

IN THE MATTER OF the *Ontario College of Teachers Act, 1996*, and the Regulation (Ontario Regulation 437/97) thereunder;

AND IN THE MATTER OF a discipline proceeding against Ryan Geekie, a member of the Ontario College of Teachers.

PANEL: Mel Greif, Chair
 Robert Ryan, OCT
 Jacques Tremblay, OCT

BETWEEN:	)	David Leonard,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -)	
)	
RYAN GEEKIE	)	William Markle &
(CERTIFICATE #445152)	)	Stephanie Carey,
	)	Markle & Phibbs LLP,
	)	for Ryan Geekie
)	
)	
	)	Julie Maciura,
	)	Steinecke Maciura LeBlanc,
	)	Independent Legal Counsel
)	
	)	Heard: April 28, 2010

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on April 28, 2010 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated March 30, 2009 was served on Ryan Geekie, requesting his presence on April 14, 2009 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for April 28, 2010.

Ryan Geekie was in attendance.

THE ALLEGATIONS

The allegations against Ryan Geekie in the *Notice of Hearing, (Exhibit 1)* dated March 30, 2009, are as follows:

IT IS ALLEGED that Ryan Geekie is guilty of professional misconduct as defined in section 30(2) of the *Ontario College of Teachers Act, 1996* (the “Act”), in that:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) he abused a student or students physically, sexually, verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) he failed to comply with the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, and specifically sections 264(1)(c) and 265(1) thereof or the Regulations made thereunder, contrary to Ontario Regulation 437/97, subsection 1(15);
- (d) he committed acts that having regard to all the circumstances would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18);
and
- (e) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

At the hearing on April 28, 2010, College counsel sought to withdraw the allegations of professional misconduct in paragraph (c), namely that the Member breached Ontario Regulation 437/97, subsections 1(14) and 1(15). The Committee agrees that these allegations shall be withdrawn.

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced a *Statement of Uncontested Facts, Plea of No Contest and Joint Submission on Penalty (SUF – Exhibit 2)*, which provides as follows:

STATEMENT OF UNCONTESTED FACTS

1. Ryan Geekie (the “Member”) is a member of the Ontario College of Teachers. Attached hereto and marked as **Exhibit “A”** is a copy of the Ontario College of Teachers Registered Member Information respecting the Member.
2. At all material times, the Member was employed by the Hamilton-Wentworth Catholic District School Board (the “Board”) and was [XXX] teacher at [XXX] School (the “School”) in Hamilton, Ontario.
3. In or about October 2007, a female student complained to a teacher at the School about certain comments made by the Member to her relating to her involvement in a dance group at the School. The student reported that the Member referred to her as “stripper”, “slut” and “pole dancer”.
4. Having received complaints about the Member’s use of profane language in the classroom, the Board retained HR Proactive, a private firm, to conduct an investigation into the Member’s behaviour. Following interviews of students, faculty and School

administrators, a final report dated June 30, 2008, was prepared for the Board by HR Proactive.

5. The information provided by students about the Member's classroom conduct included:

- (a) a perception by some female students that the Member leered at them;
- (b) he made personal comments to female students regarding their appearance, which comments were considered by some students to have sexual overtones. Further, the Member questioned female students about their personal and private lives, their weekend activities and their relationships;
- (c) he would on occasion call female students "hon" or "babe";
- (d) he made a remark about a female student's broken zipper on her pants;
- (e) he suggested to a number of his female students that they stop talking about tongue studs as they were for oral sex;
- (f) he slapped the back of the thigh area of a female student with a metre stick;
- (g) on more than one occasion, he used expletives such as "shit" and "fuck" in the presence of students;
- (h) he used derogatory labels for students such as "retard", "ditsy", "gay" and "whore", which he used in the presence of students.

6. The Member was assigned to home on February 21, 2008. Following the Board's receipt of the final report of HR Proactive, the Member's employment with the Board was terminated, effective August 26, 2008.

PLEA OF NO CONTEST

7. By this document, the Member admits, for the purposes of this proceeding only, the truth of the facts and exhibits referred to in paragraphs 1 to 6 above (the "uncontested facts").

8. The Member hereby acknowledges that the uncontested facts referred to in paragraphs 3 and 5 above, constitute conduct that is unprofessional and pleads no contest to the allegations of professional misconduct against him, being more particularly breaches of Ontario Regulation 437/97 1(5), 1(7), 1(18) and 1(19).

9. By this document the Member states that:

- (a) he understands fully the nature of the allegations against him;
- (b) he understands that by signing this document he is consenting to the evidence as set out in the uncontested facts being presented to the Discipline Committee;
- (c) he understands that by pleading no contest to the allegations, he is waiving the right to require the College to prove the case against him and the right to have a hearing;
- (d) he understands that depending on the penalty ordered by the Discipline Committee, the decision of the Committee and a summary of its reasons, including reference to his name, may be published in the official publication of the College;

- (e) he understands that any agreement between his counsel and counsel for the College with respect to the penalty proposed in this document does not bind the Discipline Committee;
- (f) he understands and acknowledges that he is executing this Agreement voluntarily, unequivocally, and with the advice of legal counsel.

10. The Member provides this plea of no contest pursuant to Rule 3.02 of the Rules of Procedure of the Discipline Committee under protection of the *Evidence Act*, R.S.O. 1990, chapter E. 23, for the purpose of this proceeding under the *College of Teachers Act 1996*, chapter 12, and for no other purpose. The Member's plea of no contest does not constitute an admission by the Member as to the facts or findings in any other civil, criminal or administrative proceeding.

11. In light of the uncontested facts and circumstances, the Ontario College of Teachers and the Member submit that the Discipline Committee find the Member guilty of professional misconduct.

JOINT SUBMISSION ON PENALTY

12. The Ontario College of Teachers and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee in these matters would be that the Committee directs:

- (a) that the Member appear before the Committee immediately following the hearing of this matter to receive a reprimand, and the fact of the reprimand is to be recorded on the Register of the Ontario College of Teachers ("the Register");

- (b) the Registrar to suspend the Certificate of Qualification and Registration of the Member for a period of three months commencing on the date of the Order of the Discipline Committee relating to this matter and the fact of the suspension be recorded on the Register. However, if the Member fulfills the requirements set out in paragraph (c) below within the first month of the three month suspension, the remaining two months of the three month suspension will be suspended and never imposed.
- (c) the Registrar to impose the following term, condition or limitation on the Member's Certificate of Qualification and Registration, the fact of such term, condition or limitation to be recorded on the Register of the College until such time as it is fulfilled:
- (i) that the Member, shall enrol in and successfully complete, within ninety (90) days of the date of the Committee's decision, at his own expense, a course of instruction regarding appropriate boundaries and boundary violation issues, pre-approved by the Registrar, and
 - (ii) within thirty (30) days of his completion of the course outlined in (i) above, shall provide to the Registrar a written Certificate from the Course Provider stating:
 - A. that he or she has reviewed a copy of the Statement of Uncontested Facts, Plea of No Contest and Joint Submission on Penalty document made an exhibit at the hearing of this matter, and the Decision and Reasons of the Discipline Committee; and

- B. that the Member has successfully completed the course;
- (d) the Member shall authorize and take all reasonable steps to cause the Board or any other school board at which the Member is subsequently employed (collectively “the School Board”) to provide the Registrar with copies of any Teacher Performance Appraisal of the Member that is completed by the School Board, or any evaluation of his performance as a teacher to be completed by the School Board, during the first eighteen months following the date of his re-employment. Despite such reasonable steps, should the School Board refuse to do any of the above, the Member shall immediately notify the Registrar of that fact.
- (e) directs that there be publication of the findings and Order of the Committee in summary form in the official publication of the College, *Professionally Speaking/Pour parler profession*. The parties have not agreed on whether or not the Member’s name should be included and submissions will be made on that issue.

DECISION

Having examined the Exhibits filed, and based on the plea of no contest, the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*, and the submissions made by counsel for the College and counsel for the Member, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Ryan Geekie committed acts of professional

misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(7 -verbal), 1(18 – unprofessional) and 1(19).

REASONS FOR DECISION

The Member admitted the truth of the facts and exhibits referred to in paragraphs 1 to 6 (the “uncontested facts”) of the *Statement of Uncontested Facts, Plea of No Contest, and Joint Submission on Penalty* (SUF - Exhibit 2). He acknowledged that the uncontested facts referred to in paragraphs 3 and 5 above constitute conduct that is unprofessional and pleaded no contest to the allegations of professional misconduct. The Committee accepted the Member’s plea of no contest and the facts in the *Statement of Uncontested Facts, Plea of No Contest, and Joint Submission on Penalty*.

The Member abused students verbally through the use of language and forms of address which were sexualized and profane in their nature. Some students had the perception that there was some element of leering. Additionally, he solicited personal and private information about his students, to their discomfort. He made derogatory comments to and about students under his supervision. He used derogatory labels for students in the presence of students. The Member applied a metre stick to the thigh area of a female student. By this conduct, the Member crossed the generally accepted boundaries of student teacher relations as practised by the teaching profession and thereby committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(7 -verbal), 1(18 – unprofessional) and 1(19).

PENALTY

The Committee makes the following order as to penalty:

(a) The Member is required to appear before the Committee to be reprimanded, with the fact of the reprimand to be recorded on the Register;

(b) The Registrar is directed to suspend the Certificate of Qualification and Registration of the Member for a period of three (3) months commencing on April 28, 2010 and the fact of the suspension is to be recorded on the Register. However, if the Member fulfills the requirements set out in paragraph (c) below within the first month of the three month suspension, the remaining two months of the three month suspension will be suspended and never imposed;

(c) The Registrar is directed to impose the following term, condition or limitation on the Member's Certificate of Qualification and Registration, the fact of such term condition or limitation to be recorded on the Register of the College until such time as it is fulfilled:

(i) that the Member shall enrol in and successfully complete, within ninety (90) days of April 28, 2010, at his own expense, a course of instruction regarding appropriate boundaries and boundary violation issues, pre-approved by the Registrar, and

(ii) within thirty (30) days of his completion of the course outlined in (i) above, shall provide to the Registrar a written Certificate from the Course Provider stating:

A. that he or she has reviewed a copy of the Statement of Uncontested Facts, Plea of No Contest and Joint Submission on Penalty document made an exhibit at the hearing of this matter, and the Decision and Reasons of the Discipline Committee; and

B. that the Member has successfully completed the course.

(d) Pursuant to Section 30 (5) (3) of the Ontario College of Teachers Act, the findings and order of the Committee shall be published in summary, without the name of the Member in the official publication of the College, *Professionally Speaking/Pour parler profession.*

REASONS FOR PENALTY DECISION

The reprimand is appropriate in this case since it serves as a specific deterrent to the Member and underlines the gravity of his misconduct. The reprimand is also part of the rehabilitative process.

The Committee determined that a suspension was needed in order to highlight the negative behaviour of the Member. Since the described behaviour was on the lower end of the spectrum of misconduct, a suspension of three months was required with the understanding that if a course on boundaries and boundary violations pre-approved by the Registrar is completed within one month, the suspension would be reduced to one month. The suspension will act as a specific deterrent to the Member. The course will have a rehabilitative effect on the Member and address the issues which gave rise to his misconduct. The public interest will be served by the application of these two elements of the penalty.

Publication of the findings and order of the Committee will serve as a general deterrent to the profession and demonstrate the transparency of the discipline process. The Committee took into consideration the nature of the misconduct, and the agreement of

counsel that the conduct was on the low end of the spectrum. The Committee also took into consideration that there was no prior record of similar behaviour and that there was little risk of repetition, given that the Member is required to take a course on boundary issues. The Committee was provided with two teacher evaluations and their substance helped the Committee to determine that publication without name was appropriate in this situation.

Date: April 28, 2010

Mel Greif,
Chair, Discipline Panel

Robert Ryan, OCT
Member, Discipline Panel

Jacques Tremblay, OCT
Member, Discipline Panel